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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,959	07/25/2003	Frederick R. Brown III	GMS-001	3205
35557	7590	01/20/2006	EXAMINER	
CHRIS A. CASEIRO VERRILL DANA, LLP ONE PORTLAND SQUARE PORTLAND, ME 04112-0586			AMSBURY, WAYNE P	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,959

Applicant(s)

BROWN, FREDERICK R.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-11 and 13-26 is/are rejected.
7) ☒ Claim(s) 6 and 12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/21/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

CLAIMS 1-26 ARE PENDING

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11 and 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller, US 2002/0010663, 24 January 2002.

Muller is directed to the filtering of time series financial data, typified by quotes for a financial instrument [0002, 0003].

As to claim 1:

A method for providing to one or more contributors information related to the goods or services offered by the contributors, the method comprising the steps of:

a. compiling the information related to the goods or services offered by the one or more contributors;

The exemplary quotes of Muller originate from contributors [0003], and this information is included in the quote [0007]. The quotes of Muller are in the form of a time series, but it is also compiled in a database [0069; 0477], and at least in part by statistical accumulation [0069; 0482-0491] and for plotting [FIG 5]. All of these correspond to compiling.

b. creating an information database of the compiled information, wherein the information database is segregated for each of the contributors into a first information group of the information related only to an individual contributor seeking access to the information database and a second information group of the information related to all other contributors; and

Muller creates a database by storing at least part of a time series [0069], and storing historical data [0375 and elsewhere]The quotes are segregated on the basis of the origin of the quote [0007]. The contributor of a set of quotes inherently forms one group and all others a second information group.

c. enabling each of the one or more contributors to access its own first information group, and to access the second information group without permitting any of the one or more contributors to determine which of the other contributors provided what information of the second information group.

The quotes of Muller are intended for some market [0006], and Muller teaches that some data sources hide information about themselves [0122]. Markets of this nature are often public, within which category the contributors fall, and the most significant information about a source is its identity.

However, Muller does not explicitly state that the entities that access the markets include the contributors, or that the identity of the contributors is hidden.

Official Notice is taken that financial market including quotes and bids does not always publicly identify the source of the data [NYSE, NASDAQ].

It would have been obvious to one of ordinary skill in the art at the time of the invention to have contributor access to the data of Muller because the contributions are components of a public market that is competitive.

It would have been obvious to one of ordinary skill in the art at the time of the invention to hide the identity of a contributor because this is the most significant datum concerning a data source that may wish to be anonymous.

As to **claim 2**, financial market quotes contain product and service features [0006], sales pricing [0006], demographic information [0007], and information obtained from contributors.

As to **claim 3**, Muller provides for some sources to hide information about themselves, but in a cooperative market, for some contributors to be anonymous while others are not raises a host of issues with respect to market manipulation. This is a universal question of trust well known to contributors in general. Muller gives a detailed account of how issues of credibility and/or trust are managed [0090 and after]. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to refuse to cooperate with anonymous sources because of potential lack of trust in their data and/or motives.

As to **claim 4**, it is a common feature of markets such as the stock and the bond market to provide for queries that are directed to specific market information of interest.

As to **claims 5, 7 and 10-11**, Muller provides for individual user filters, which correspond to defining a query based on individual portions of the information and selectable combinations of such portions to create unique outcomes and to generate statistics based upon the query [0067-0069 and elsewhere]. Results are stored and can be retrieved [0069]. By its nature, the filter statistics change with further input, and may be mixed with other filters [0071,0072], corresponding to modification of the query, as does human restarting and modification of a filter [0429—433].

As to **claim 8**, it is noted that the claim requires no functional distinction between a spreadsheet and any other GUI, making this term a non-functional description of the display. In the interest of compact prosecution, an official notice with evidence is provided herein.

Official Notice is taken that it was well known at the time of the invention to provide a spreadsheet as the display for financial market information. Lipper, III, US 2002/0123952, 5 September 2002 [0022], provides evidence for this. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to provide a spreadsheet display for time-series data because it is efficiently displayed in row-column format as in a spreadsheet [FIG 3,5].

As to **claim 9**, there is no limitation as to when a contributor may enter information in Muller, including data that is limited with respect to source data, and it is the nature of time-series data that it is iteratively entered as supplemental data.

As to **claim 13**, the information used for the time series filters of Muller, and hence the access to the results of the filters, is governed by rules [0233] and after.

As to **claim 14**, the statistical results of Muller correspond to summary representations of the information. As to **claim 15**, Muller provides for human intervention, which inherently requires depiction of the options and filter parameters [0433].

As to **claim 18**, it would have been obvious to one of ordinary skill in the art at the time of the invention to eliminate from display a query option not applicable to the information being queried because it would be inefficient to display inapplicable information.

The elements of **claims 16, 17 and 19-26** are rejected in the analysis above and these claims are rejected on that basis.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The GUI of the claim is explicitly software per se, and thus falls outside of the bounds of the guidelines for statutory classes.

3. Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The particular combination of elements of these claims, including the calculation of statistics relating to the first information group and presenting the information only for information from the first group and for information of the second group that meets a minimum threshold in the context of the claims is not anticipated nor suggested by the prior art of record.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER